

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PROPOSED
RULE I pertaining to hunters against) ADOPTION
hunger program)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On September 4, 2014, the Department of Fish, Wildlife and Parks (department) proposes to adopt the above-stated rule.

2. The department will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than July 11, 2014, to advise us of the nature of the accommodation that you need. Please contact Jessica Snyder, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-9785; fax (406) 444-7456; or e-mail jesssnyder@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I HUNTERS AGAINST HUNGER (1) The department will annually distribute all funds accumulated in the hunters against hunger account to a federally tax exempt nonprofit organized under 26 U.S.C. 501(c)(3) with a mission to distribute food and provide charitable services to those in need on a statewide basis.

(2) The organization must:

(a) coordinate with other nonprofit organizations within the state to process game animals donated and distribute the processed meat to those in need;

(b) not charge more than seven percent overhead for grant processing;

(c) provide a list of meat processors responsible for processing donated game animals; and

(d) retain all carcass tags from donated game animals.

(3) Big game animals donated for processing must be legally harvested or confiscated by law enforcement. Game animals killed by a vehicle are not permitted to be processed and distributed under this program.

(4) All processed meat through the hunters against hunger program will be offered at no charge to those in need.

(5) The contract will provide annual reporting requirements and any other conditions necessary. Noncompliance with the contract will result in loss or delay of funds.

AUTH: 87-1-293, MCA

IMP: 87-1-293, 87-1-628, MCA

REASON: SB 123 (2013) established a hunters for hunger program and the department's rulemaking authority to adopt rules to implement the provisions of the statute. The department is proposing the entire account go to one organization that would coordinate efforts statewide for the processing of donated game meat.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to the Department of Fish, Wildlife and Parks, Licensing, P.O. Box 200701, Helena, Montana, 59620-0701; fax (406) 444-3707; or e-mail hworsech@mt.gov, and must be received no later than July 25, 2014.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the above address no later than July 25, 2014.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 25 persons based on the number of citizens in Montana.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, faxed to the office at (406) 444-7456, or may be made by completing the request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted via phone and e-mail throughout the rule drafting process.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the adoption of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

/s/ M. Jeff Hagener
M. Jeff Hagener
Director
Department of Fish, Wildlife and Parks

Certified to the Secretary of State June 16, 2014.